



**US Army Corps
of Engineers**



Omaha District

PUBLIC NOTICE

Application No:

200290480

Applicant:

City of Laurel

Waterway:

Yellowstone River

Issue Date:

August 22, 2002

Expiration Date:

September 6, 2002

15 DAY NOTICE

Regulatory Branch 106 South 15th Street Omaha, Nebraska 68102-1618

JOINT PUBLIC NOTICE FOR PERMIT APPLICATION SUBMITTED TO U.S. ARMY CORPS OF ENGINEERS AND MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

The application of the City of Laurel, Montana for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska.

The applicant requests permission to place fill material and riprap in conjunction with the construction of a new passive screen water supply intake in the Yellowstone River with buried pipelines beneath the riverbed to a new pump station on the bank. The project is located in Section 15, Township 2 South, Range 24 East, Yellowstone County, Montana.

Background: Following the spring floods of 1996 and 1997, the main river channel shifted from the left bank (intake side) to a position near the center of the channel. These channel changes and the subsequent instabilities appear to be the result of an abundance of bed material left behind by the floods. Since that time, the City has experienced difficulty in obtaining water at its intake structure during the winter months when freezing conditions in the river occur and emergency authorizations have been given to the City on several occasions by the Corps of Engineers, Montana Department of Environmental Quality, Montana Department of Natural Resources and Conservation and Montana Fish, Wildlife and Parks.

In April 2000, the Corps of Engineers completed a report for the City of Laurel under the Planning Assistance to States Program (Section 22 of the Water Resources Development Act of 1974). In that report, the Corps presented three alternatives: 1) Construct four bendway weirs on the right bank upstream of the railroad bridge; 2) Construct two spur dikes on the right bank upstream of the railroad bridge and; 3) Construct an auxiliary intake structure immediately

downstream of the highway bridge. Alternative #1 was selected as the preferred alternative due to cost considerations. On July 26, 2000, a public notice (#200090388) was issued, detailing the applicant's intention to construct four bendway weirs varying in length from 75 feet to 280 feet. The proposed weirs were to direct river flows past the City's water intake structure to ensure an adequate water supply. It was also anticipated that the increased flows would move some of the accumulated sediment deposits away from the intake structure. No Department of the Army authorization for the weirs has been issued, pending the City's investigation of an alternative to install an auxiliary intake structure. Subsequently, the application for construction of the weirs has been withdrawn. The City is now considering an auxiliary intake structure in lieu of bendway weirs.

The current proposal consists of constructing a new intake downstream of the south pier of the Highway 212/310 bridge over the Yellowstone River at Laurel. The project will extend from the north bank of the river just downstream of the bridge into the river approximately 350 feet to the main channel near the south bank. Approximately 20 linear feet of the bank will be disrupted for installation of the new pipelines and further areas of the adjacent bank may be disrupted during connection of the existing intake lines to the new pump station (see attached construction plans). No permanent fill material will be required in the channel. Riprap will be used as bank stabilization to protect the new pipelines and pump station (approximately 60 linear feet). River gravel excavated during the intake and pipeline installation will be replaced as backfill in the trench. The contractor will determine the method to be used for installation of the buried pipeline and intake structure in the river channel. Any soil materials that the contractor may wish to introduce into the river to assist with project construction (such as for a cofferdam) will be removed immediately following its completion of service.

The applicant's stated project purpose is to build a new primary water intake and pump station to serve the City's municipal, commercial, and industrial water needs. The intake will supply water to the City's treatment plant and to the Cenex refinery. The proposed project was selected among several alternatives to permanently solve the City's current intake problems and avoid future construction activities in the river that have been required in past years to maintain flow at the existing intake.

The Montana Department of Environmental Quality, P.O. Box 200901, 1520 East Sixth Avenue, Helena, Montana 59626-0014, will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Montana Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966 as amended. We have checked the National Register of Historic Places and its current supplements, and there are no known National Register sites in the vicinity; however, we will evaluate input by the State Historic Preservation Officer and the public in response to this public

notice, and may require a reconnaissance survey of the permit area or check for unknown historic

or prehistoric properties, if warranted.

In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings shall be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. Requests should be submitted to the U.S. Army Corps of Engineers, Omaha District, Regulatory Branch, 106 South 15th Street, Omaha, Nebraska 68102-1618. If it is decided that additional information is required and a public hearing should be held, interested parties will be notified of the date, time and location.

Any interested party (particularly officials of any town, county, state, federal agency, Indian Tribe, or local association whose interests may be affected by the work) is invited to submit to this

office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should identify their

concern or interest with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the U.S. Army Corps of Engineers, Omaha District, Regulatory Branch, 106 South 15th Street, Omaha, Nebraska 68102-1618. Please reference the Application Number found on the first page of this notice in any correspondence. Ms. Kathy Iske, telephone number (402) 221-3055, may be contacted for additional information. You may also fax your comments to (402) 221-4939 or e-mail them to: Kathy.L.Iske@usace.army.mil.

Comments received after the close of business on the expiration date of this public notice will not be considered.

A permit, if issued, will be under the provisions of Section 10 of the Rivers & Harbors Act of 1899 and Section 404 of the Clean Water Act.